

Financial Services  
Mr. Ron Y. Steiger, Chief Financial Officer

**SUBJECT:** FINAL **READING: PROPOSED AMENDMENT TO POLICY 5131,  
STUDENT TRANSFERS AND CONTROLLED OPEN ENROLLMENT**

**COMMITTEE:** **FISCAL ACCOUNTABILITY & GOVERNMENTAL RELATIONS**

**LINK TO  
STRATEGIC  
BLUEPRINT:** **EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES**

At its regular Board meeting of August 15, 2018, the Board approved Agenda Item E-51 (Hope Scholarships) authorizing the Superintendent to initiate rulemaking proceedings to amend Board Policy 5131, *Student Transfers and Controlled Open Enrollment*, to include the legislatively mandated "Hope Scholarships" as a transfer option. In the 2018 legislative session, the Florida Legislature approved the expansion of state school choice scholarship programs and established the Hope Scholarship Program to provide the parent of a public school student who was subjected to an incident of battery, harassment, hazing, bullying, kidnapping, physical attack, robbery, sexual offense, assault, threat, intimidation, or fighting at school, with a scholarship to transfer the student to another public school that has capacity or to attend an eligible private school.

The proposed amendments are intended to reflect changes that will allow parents to request and receive a Hope Scholarship for students pursuant to Section 1002.40, F.S.

The Notice of Intended Action was published in the *Miami Daily Business Review* on August 20, 2018, and posted in various places for public information and mailed to various organizations representing persons affected by the amended Policies and to individuals requesting notification. The time to request a hearing or protest the adoption of this amendment has elapsed.

Attached are the Notice of Intended Action and the Policy amendments. Changes are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, adopt the proposed amendments to Board Policy 5131, *Student Transfers and Controlled Open Enrollment* and authorize the Superintendent to file the amended policy with the School Board of Miami-Dade County, Florida, to be effective October 10, 2018.



## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on August 15, 2018 its intention to amend Board Policy 5131, *Student Transfers and Controlled Open Enrollment*, at its regular meeting on October 10, 2018.

**PURPOSE AND EFFECT:** Amendments are proposed to Policy 5131, *Student Transfers and Controlled Open Enrollment*, to establish the Hope Scholarship Program in accordance with new statutory requirements.

**SUMMARY:** Policy 5131, *Student Transfers and Controlled Open Enrollment*, is proposed to be amended to authorize the Superintendent to establish the Hope Scholarship Program in accordance with new statutory requirements.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** 1001.41(1); 1001.43(10); F.S.

**LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC:** 668.50, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of, October 10, 2018, which begins at 1:00 p.m., in the School Board Administration Building, School Board Auditorium, 1450 N. E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by September 11, 2018 to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON-WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings including the testimony and evidence upon which the appeal is to be based. Section 286.0105, F.S.

A COPY OF THE PROPOSED AMENDED POLICY is available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 Northeast Second Avenue, Miami, Florida 33132.

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1            STUDENT TRANSFERS AND CONTROLLED OPEN ENROLLMENT

2        Students in the regular school program (K-12) are assigned to attend school based  
3        on the actual residence of the parent and the attendance boundary of the school as  
4        approved by the School Board in accordance with Policy 5120, Student School  
5        Assignment and Attendance Boundary Committee. Students within the attendance  
6        boundaries may not be involuntarily displaced by any transfer under this policy.  
7        This policy governs all regular school transfers from one (1) school to another, except  
8        for transfers to magnet schools and programs that are subject to specific admissions  
9        requirements and/or random lotteries that are governed by Policy 2370, Magnet  
10       Programs/Schools.

11       Transfers may be made as follows:

- 12            A.        Transfers from one (1) school to another in the county shall be  
13            effective as of the close of school on a given day. Where feasible,  
14            this should coincide with the end of the grading period. The  
15            receiving school shall be responsible for the student's attendance as  
16            of the next school day. If a transferring student has not reported  
17            prior to the receipt of the computer generated Notice of  
18            Withdrawal/Transfer, the receiving school should notify their  
19            assigned school social worker.
- 20            B.        Transfers will not be processed during FTE weeks, or  
21            State-mandated assessments.
- 22            C.        Separate transfers shall be issued for each student.
- 23            D.        A student who requests and is eligible for a transfer may not be  
24            denied the transfer or have school records withheld because of  
25            unpaid fees, lost books, etc.

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- 1           E.     When a student has been transferred to a school through an error  
2           by District administration and the student has been enrolled in the  
3           school for ninety (90) days, the student may elect to remain at the  
4           school or may return to the school to which s/he should have been  
5           originally assigned. If the transfer was based on fraudulent, false,  
6           or erroneous information provided to the school by the parent  
7           and/or student, the school may revoke the transfer and require that  
8           the student return to his/her previous school or to the appropriate  
9           school serving the area where the student resides. Anyone who  
10          knowingly makes a false statement in writing with the intent to  
11          mislead a public servant in the performance of his/her official duty  
12          is guilty of a second degree misdemeanor under F.S. 837.06. In  
13          addition, anyone who knowingly makes a false verified declaration is  
14          guilty of perjury, a third degree felony under F.S. 92.525.
- 15          F.     If a student does not enroll in the new school (to which the transfer  
16          has been granted) within ten (10) school days of the date of the  
17          District's approval of that transfer, that student's transfer will be  
18          revoked. Those transfers which were approved during the summer  
19          transfer period must be used during the first ten (10) days of the  
20          school year or they will be revoked.
- 21          G.     Transfers may be denied or revoked at any time due to poor  
22          attendance, tardiness, disruptive behavior which results in a  
23          significant loss of instructional time, or if information provided to  
24          the school by the parent and/or student for purposes of a transfer is  
25          discovered to be fraudulent, false, or erroneous. If the transfer is  
26          revoked, the student will be assigned to the school that serves the  
27          verifiable residence address.
- 28          H.     When an administrative transfer has been approved, transportation  
29          will not be provided to the requested school.
- 30          I.     These procedures shall not supersede admission procedures in  
31          programs/schools where admission is governed by other Board  
32          policies or processes (e.g. magnets).

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1 J. Where parents are divorced or separated, only the parent who  
2 enrolled the student may request to transfer or withdraw the  
3 student. The enrolling parent is responsible for providing  
4 information that is truthful, accurate, and consistent with the most  
5 recent court order governing their divorce, separation, or custody  
6 matters.

7 K. The person transferring or withdrawing the student shall report in  
8 person to the school to transfer or withdraw the student.

9 Transfers may be granted as follows:

10 A. The student resides with parent and a change of residence occurs  
11 placing the student in the attendance area of the school to which  
12 transfer is requested.

13 The parent shall secure the transfer from the sending school before  
14 being admitted to the new school. The parent shall apply for the  
15 transfer in person, and shall provide verification of the change of  
16 residence, including two (2) of the following items:

17 1. broker's or attorney's statement of parents' purchase of  
18 residence, or properly executed lease agreement;

19 2. current Homestead Exemption card;

20 3. electric deposit payment receipt or electric bill, bottom  
21 portion, showing name and service address. If an electric  
22 deposit payment receipt is used as verification, the electric  
23 bill, bottom portion, must also be submitted to the school  
24 within forty (40) calendar days after registration.

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1 If the parent is unable to furnish the school with the requested  
2 electric deposit payment receipt, the student will be allowed to enroll  
3 in the new school, but must submit the electric bill, bottom portion,  
4 to the school within forty (40) calendar days. Failure to submit the  
5 electric bill, bottom portion, within forty (40) calendar days or  
6 inability of school to verify residence of student, will result in  
7 revocation of the transfer or the student's reassignment to the  
8 previous school.

9 The receiving school shall secure verification of the change in  
10 residence within forty (40) calendar days of the student entering the  
11 school.

12 When a change of family residence occurs after ninety (90) school  
13 days in which a student is enrolled in a school which would place  
14 the student in a different attendance area, the student, upon the  
15 request of the parent, may complete the year in the present school.  
16 No transportation will be provided.

17 When a change of family residence occurs after ninety (90) days in  
18 which a student is enrolled in grades 11 through 12, or is enrolled  
19 in the last grade offered at a school, which would place the student  
20 in a different attendance area, the student, upon the request of the  
21 parent, may remain in the present school through graduation (for  
22 grades 11 through 12), or the last grade offered at the school. No  
23 transportation will be provided.

24 B. Students with an Individual Education Plan (IEP) or 504 Plan  
25 requesting to attend a school other than the school in which the  
26 student is enrolled, must meet with the Region Special Education  
27 (SPED) personnel to ensure that the programmatic needs of the  
28 student can be met at the requested school.

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- 1           C.     A parent may request a Parent Choice - Student Transfer. In this  
2           case, the Region Superintendent (or designated region director) may  
3           administratively assign or approve the reassignment or transfer of  
4           students when the Florida Inventory of School Houses (FISH)  
5           capacity of the receiving school is below 100%, the maximum  
6           number of students does not exceed the mandates of State law  
7           (F.S. 1003.03, Maximum Class Size), and the parent who requests a  
8           student transfer must:
- 9                     1.     enroll the student in the school that serves the residence  
10                    address before the request for transfer can be considered;
- 11                   2.     complete a Parent Choice - Student Transfer form, FM-3281,  
12                    at the home school;
- 13                   3.     obtain the signature on the Parent Choice - Student Transfer  
14                    form, FM-3281, of the Principal or designated administrator  
15                    with whom the parent met; and
- 16                   4.     submit the Parent Choice - Student Transfer form, FM-3281,  
17                    to the appropriate Region for processing.



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1 **Administrative Transfers**

2 A. Working Parent Hardship Transfer

- 3 1. The parent of a kindergarten through eighth grade student of  
4 a one (1) parent or one (1) guardian family unit who is  
5 employed, or a family where both parents or guardians are  
6 employed, requests a transfer on the basis that the normal  
7 school assignment presents a hardship involving before or  
8 after-school supervision. The request shall be in the form of a  
9 signed statement from the employer(s) verifying the  
10 parent's/guardian's employment, work address, telephone  
11 number, working hours; a signed statement from the  
12 caregiver verifying the hours the student is cared for as well  
13 as the address and telephone number of the caregiver; and  
14 any other pertinent information setting forth the nature of the  
15 circumstances producing the hardship.
- 16 2. This type of transfer must be reviewed annually through the  
17 Region serving the assigned school. These transfers should  
18 not exceed the assigned percentage of FISH school capacity  
19 for the current school year.

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1           B.     Medical/Psychological Transfer

2                   1.     The parent presents a written statement with supporting  
3                   professional evidence on the Medical Recommendation for  
4                   Student Transfer form, FM-1713, to the effect that a health  
5                   hardship and/or emotional problems exist that will be  
6                   exacerbated if the student remains in the school that serves  
7                   his/her residence address, and will be alleviated at the  
8                   requested school. This type of transfer must be initially  
9                   discussed with the Principal in an attempt to resolve any  
10                  possible issues at that school and, if needed, the parent will  
11                  submit the transfer form to the Region. The Region will  
12                  submit the completed Parent Choice - Student Transfer form,  
13                  FM-3281, and the Medical Recommendation for Student  
14                  Transfer form, FM-1713, to the Federal and State Compliance  
15                  Office. The Review Team for Medical/Psychological Transfers  
16                  will review the evidence and will approve/deny the transfer  
17                  request. The decision of the Review Team is final and no  
18                  appeals will be permitted.

19                  2.     Best Interest Transfer: An administrative assignment is  
20                  deemed necessary by the Region Superintendent and in the  
21                  best interest of the student and the school.

22           C.     Out-of-County Transfer

23                  1.     The parent who requests a student transfer to another  
24                  county, but continues to reside in Miami-Dade County, must:

25                   a.     enroll the student in the school that serves his/her  
26                   residence address;

27                   b.     complete the Out-of-County Transfer Request form,  
28                   FM-7374 provided by the Federal and State  
29                   Compliance Office; and

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- 1 c. submit the form to the Federal and State Compliance  
2 Office, who will review the application and transmit it  
3 to the requested county.
- 4 2. The parent who requests a student transfer into a District  
5 school, but lives in another county, must:
- 6 a. follow the procedures in the residence county and  
7 complete an Out-of-County transfer request from that  
8 county; and
- 9 b. receive a letter of approval/denial from the Federal and  
10 State Compliance Office;
- 11 Upon receipt of the transfer information from the other  
12 county the Federal and State Compliance Office  
13 reviews the application and FISH capacity of the  
14 requested school. The determination will be based  
15 upon whether or not the receiving school is below  
16 100% capacity and the maximum number of students  
17 does not exceed the mandates of State law  
18 (F.S. 1003.03, Maximum Class Size).
- 19 c. The parent is notified of the approval/denial in writing  
20 by the Federal and State Compliance Office. If  
21 approved, the parent withdraws the student from the  
22 school in the residence county, enrolls the student in  
23 the District (provides the approval letter to the school's  
24 registrar), and is responsible for transportation. If  
25 denied, there is no appeal process since the student is  
26 not a Miami-Dade County resident and the District is  
27 not obligated to educate the student.

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- 1                   3.     Out-of-county transfer requests to a magnet school or  
2                   program must follow the procedures outlined in Policy 2370,  
3                   Magnet Programs/Schools. The letter of acceptance to the  
4                   magnet school or program must accompany the out-of-county  
5                   transfer request.
- 6                   D.     Capacity Transfer: The Region Superintendent has determined that  
7                   students will be more adequately housed by transfer or  
8                   reassignment to a school other than that which they would normally  
9                   attend due to school capping.
- 10                  E.     Disciplinary Transfer: A student has been suspended, expelled, or  
11                  under the jurisdiction of the courts, or in a similar situation, and  
12                  the Region Superintendent determines that an assignment to a  
13                  school other than the normal school assignment would be in the  
14                  best interest of the student and the school system.
- 15                  F.     Professional Courtesy Transfer
- 16                         District permanent employees in the UTD bargaining unit may use  
17                         student transfers according to Article XXI, Section 2, Employee  
18                         Rights, C. Family Relationships of the District/UTD collective  
19                         bargaining agreement which reads in part:
- 20                         Employees who wish to enroll their children at the same worksite  
21                         where they are employed shall not be prohibited from doing so,  
22                         subject to the approval of the Region Superintendent, and when the  
23                         District employee:
- 24                         1.     enrolls the nondistrict student in the school that serves the  
25                         resident address;
- 26                         2.     completes a Parent Choice - Student Transfer form, FM-3281,  
27                         at that school; and
- 28                         3.     submits the Parent Choice - Student Transfer form, FM-3281,  
29                         to the appropriate Region for processing.

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1           G.     Charter School Transfers

2                   1.     The parent who requests a student transfer to a charter  
3                             school must enroll the non District student in the school that  
4                             serves the residence address.

5                   2.     Complete a Charter Schools - Transfer form, FM-7281, at the  
6                             home school.

7     For those administrative assignments or reassignments approved by the Region  
8     Superintendent at the request of the parent where school bus transportation is not  
9     authorized by Board policies, the parent must agree to provide transportation to and  
10    from the new school assignment at reasonable hours. If the parent is unable to  
11    provide transportation within thirty (30) minutes prior to the opening, and within  
12    thirty (30) minutes after the closing time of school, the principal may recommend to  
13    the Region Superintendent that the assignment be revoked and the student be  
14    returned to the school serving the parent's residence address.

15    When a transfer is requested which would result in a change in administrative  
16    regions, it shall be the responsibility of the Region Superintendent of the student's  
17    home school to consult with the Region Superintendent of the requested school.  
18    The two (2) region superintendents must be in agreement to affect the transfer. If an  
19    agreement is not reached, the matter will be referred to the Superintendent.

20    **Appeal Process**

21    A parent may appeal the decision to deny or approve the administrative assignment,  
22    reassignment, or transfer of a student as follows:

23           A.     Appeal Level I to the Region Superintendent; and

24           B.     Appeal Level II to the Administrative Director, Federal, and State  
25                    Compliance Office as the Superintendent's designee and whose  
26                    decision is final.

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1 **Opportunity Scholarship Program**

2 A. Eligibility

3 A parent may request and receive an Opportunity Scholarship  
4 Program transfer, if:

5 1. by assigned school attendance area or by special assignment,  
6 the student has spent the prior school year in attendance at a  
7 public school that has been designated as earning a grade "F"  
8 or three (3) consecutive "Ds" based on the Statewide  
9 assessments conducted pursuant to F.S. 1008.22;

10 2. the student has been in attendance elsewhere in the District  
11 and has been assigned for the next school year, to a school  
12 designated as earning a grade of "F" or three (3) consecutive  
13 "Ds" based on the Statewide assessments conducted  
14 pursuant to F.S. 1008.22.

15 3. The student is entering kindergarten or first grade and has  
16 been assigned to such school for the next school year.

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1           B.     District Obligations

2                     Transfers may be revoked at any time due to poor attendance or  
3                     tardiness which results in a significant loss of instructional time, or  
4                     if information provided to the school by the parent and/or student  
5                     for purposes of a transfer is discovered to be fraudulent, false, or  
6                     erroneous. If the transfer is revoked, the student will be assigned to  
7                     the school that serves the verifiable residence address.

8                     1.     For each student enrolled in or assigned to a school that has  
9                     been designated as performance grade category "F" or  
10                    three (3) consecutive "Ds" based on the Statewide assessment  
11                    conducted pursuant to F.S. 1008.22, the District shall:

12                    a.     timely notify the parent of all options available under  
13                    the statute;

14                    b.     offer the parent an opportunity to enroll the student in  
15                    a school located within the geographic transportation  
16                    service zone designated to serve the student's  
17                    residence school;

18                    The designated school must have a performance grade  
19                    of "C" or better.

20                    c.     provide transportation to each student who is eligible  
21                    for an Opportunity Scholarship transfer to a school  
22                    within the geographic transportation service zone that  
23                    serves the eligible residence school if the student  
24                    resides more than two (2) miles from the selected  
25                    District school; and

26                    d.     provide each eligible student with an opportunity to  
27                    continue attending this higher performing school until  
28                    the student reaches the highest grade serviced by the  
29                    school.

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1                   2.     Designate an eligible school or schools based on the Florida  
2                   Inventory of School Houses (FISH) capacity below 100% and  
3                   the maximum number of students does not exceed the  
4                   mandates of State law (F.S. 1003.03, Maximum Class Size) to  
5                   accommodate the transfer requests. If no higher performing  
6                   schools in the geographic transportation service zone are  
7                   available, the Deputy Superintendent/Chief Operating  
8                   Officer, will identify eligible schools.

9                   C.     Application Process

- 10                  1.     A parent of an eligible student will receive an Opportunity  
11                  Scholarship Program Public School Application, FM-6042,  
12                  and instructions.
- 13                  2.     The parent will submit a completed application form within  
14                  the designated time frame.
- 15                  3.     The parent will select from a District approved list of eligible  
16                  schools.
- 17                  4.     District staff will verify student eligibility for the transfer.
- 18                  5.     District staff will advise the parent of the status of the  
19                  transfer request.

20                  D.     Appeal Process

21                  A parent may appeal the decision to deny or approve the  
22                  administrative assignment, reassignment, or transfer of a student as  
23                  follows:

- 24                  1.     Appeal Level I to the Region Superintendent;
- 25                  2.     Appeal Level II to the Administrative Director, Federal, and  
26                  State Compliance Office as the Superintendent's designee and  
27                  whose decision is final.



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1 **John M. McKay Scholarship Program Transfer**

2 A. Eligibility

3 A parent may request and receive a John M. McKay Scholarships for  
4 Students with Disabilities Program transfer pursuant to  
5 F.S. 1002.39, if:

6 1. the student has been reported the preceding October and  
7 February FEFP surveys in a Florida public school and will be  
8 in grades PK-12; and

9 2. the student is a student with a disability for whom an  
10 individual educational plan (IEP) or 504 Plan has been  
11 written.

12 B. District Obligations

13 Transfers may be denied or revoked at any time due to poor  
14 attendance or tardiness which results in a significant loss of  
15 instructional time, (unless the student's absence is a manifestation  
16 of their disability) or if information provided to the school by the  
17 parent and/or student for purposes of a transfer is discovered to be  
18 fraudulent, false or erroneous. If the transfer is revoked, the  
19 student will be assigned to the school that serves the verifiable  
20 residence address.

21 For each student who meets the eligibility requirements of the John  
22 M. McKay Scholarships for Students with Disabilities Program, the  
23 District shall:

24 1. notify the parent of all options available by April 1st of each  
25 year and within (10) days of the child's IEP or 504 Plan  
26 meeting;

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- 1                    2.     offer the student’s parent an opportunity to enroll the student  
2                    in another public school that can appropriately provide the  
3                    services written on the IEP or 504 Plan, the Florida Inventory  
4                    of School Houses (FISH) capacity of the receiving school is  
5                    below 100%, and the maximum number of students does not  
6                    exceed statutory Class Size limits, to accommodate the  
7                    transfer requests;
- 8                    If schools cannot be identified based on these guidelines, the  
9                    Deputy Superintendent/Chief Operating Officer, School  
10                    Operations, will identify eligible schools.
- 11                   3.     provide transportation to a public school selected by the  
12                   parent within the scholarship transfer zone if the student  
13                   resides more than two (2) miles from the selected public  
14                   school;
- 15                   4.     provide each eligible student with an opportunity to continue  
16                   attending the public school chosen by the parent until the  
17                   student completes the grade configuration of the school.
- 18                   C.     Application Process
- 19                   1.     The parent of an eligible student shall file intent to participate  
20                   on [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org).
- 21                   2.     The parent shall complete the McKay Scholarship Program for  
22                   Students with Disabilities form, FM-6063 and submit the  
23                   form to the Special Education (SPED) Center that serves the  
24                   child’s home school.
- 25                   3.     SPED Center staff will verify student eligibility. Transfers will  
26                   be approved based on program, class size and building  
27                   capacity.

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1                   4.       SPED Center staff will advise the parent that the transfer has  
2                   been approved or denied.

3                   5.       If the requested school has been denied, SPED Center staff  
4                   will offer alternate schools that have the appropriate SPED  
5                   program.

6                   Transfers will not be processed during FTE weeks and  
7                   State-mandated assessments.

8                   D.       Appeal Process

9                   A parent may appeal the decision to deny or approve the transfer of  
10                  a student as follows:

11                  1.       Appeal Level I to the SPED Center Supervisor;

12                  2.       Appeal Level II to the Administrative Director, Federal, and  
13                  State Compliance Office as the Superintendent's designee and  
14                  whose decision is final.

15  
16       **Hope Scholarship Program Transfer**

17  
18                  A.       Eligibility

19                         A parent may request and receive a Hope Scholarship for  
20                         students pursuant to Section 1002.40, F.S. if:

21                         1.       the student reports an incident of battery, harassment,  
22                         hazing, bullying, kidnapping, physical attack, robbery, sexual  
23                         offenses, assault, threat or intimidation, or fighting at school  
24                         as those terms are defined in the Code of Student Conduct,  
25                         Policy 5500; and  
26

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1  
2           2. funds are available from the eligible nonprofit scholarship-  
3           funding organization, on a first-come, first-served basis.

4  
5           3. Students enrolled in a charter school, the Department of  
6           Juvenile Justice programs, participating in virtual school, or  
7           distance learning program that receives state funding, or  
8           receiving any other educational scholarship are prohibited  
9           (i.e. McKay, Gardiner).

10  
11  
12           B. District Obligations

13           1. Upon receipt of a report of an incident, the Principal shall  
14           provide a copy of the report to the parent and investigate the  
15           incident to determine if the incident must be reported as  
16           required by s. 1006.09(6).

17           2. Within 24 hours after receipt of the report, the Principal shall  
18           provide a copy of the report to the parent of the alleged offender  
19           and to the Superintendent.

20  
21           3. Upon conclusion of the investigation or within 15 days after the  
22           incident was reported, whichever occurs first, the Principal shall  
23           notify the parent of the program and offer the parent the choice  
24           of (1) transferring the student to another school that has  
25           capacity based on the Florida Inventory of School Houses  
26           (F.I.S.H.) below 100% and the maximum number of students  
27           does not exceed statutory Class Size limits, to accommodate the  
28           transfer request or (2) requesting a scholarship to attend an  
29           eligible private school, subject to available funding. The  
30           notification must be provided to the parent on the Hope  
31           Scholarship Notification Form (IEPC-HS1) in accordance with  
32           State Board of Education Rule 6A-6.0951, F.A.C.  
33

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- 1                   4. A parent who chooses to enroll his or her student in a public  
2                   school located outside the district is eligible for a scholarship to  
3                   transport the student, if funding is available on a first-come,  
4                   first-served basis.

5  
6                   C. Application Process

- 7  
8                   1. To request a public school transfer, the parent shall complete  
9                   and submit a Hope Scholarship transfer application according  
10                   to procedures which will be specified on the application form.

- 11  
12                   2. The application must be submitted to the appropriate Region  
13                   Office for processing. Once the transfer assignment has been  
14                   granted, the student must enroll in the receiving school within  
15                   ten (10) school calendar days from the application approval  
16                   date. Otherwise, the transfer assignment will be forfeited.

- 17  
18                   3. The parent will be notified of the approval/denial in writing. If  
19                   approved, the parent withdraws the student from the current  
20                   school and enrolls the student in the receiving school. Any  
21                   requests that are denied due to capacity may apply for another  
22                   transfer option under this policy.

- 23  
24                   4. To request a private school, the parent of an eligible student may  
25                   file an intent to participate on [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org).

26                   D. Appeal Process for Public School

27                   A parent may appeal the decision to deny or approve the transfer of  
28                   a student as follows:

- 29                   1. Appeal Level I to the Region Superintendent;

- 30                   2. Appeal Level II to the Administrative Director, Federal and  
31                   State Compliance Office as the Superintendent's designee and  
32                   whose decision is final.

33  
34                   For the purpose of continuity of educational choice, a Hope Scholarship shall remain  
35                   in force until the student returns to public school or graduates from high school,  
36                   whichever occurs first.

37

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1 **Athletic Eligibility**

2 Athletic eligibility is governed by Policy 2431, *Interscholastic Athletics*.

3 **Controlled Open Enrollment**

4 Controlled open enrollment allows the School District to make K-12 school  
5 assignments using parents' indicated preferential educational choice in-county and  
6 out-of-county. This section of the policy does not apply to charter schools. Charter  
7 schools must adopt their own controlled open enrollment plan.

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1 In addition to the many other public school choice options available, students  
2 residing in Miami-Dade County and any other school districts in the state of Florida  
3 have the opportunity to apply to a school outside their assigned attendance  
4 boundary school based on their home residence. Under F.S. 1002.31, students may  
5 seek enrollment in any school that has not reached permanent capacity, as further  
6 detailed below, and does not adversely affect the maximum class size restrictions  
7 under F.S. 1003.03 as well as other planning considerations such as anticipated  
8 enrollment growth and pending or planned boundary changes.

9 Controlled open enrollment assignments are approved based on the receiving  
10 school's available capacity being at or below ninety percent (90%) of the Florida  
11 Inventory of School Houses (F.I.S.H.). Available school capacity is determined by the  
12 District based on the most current permanent F.I.S.H. percent utilization report,  
13 minus any school concurrency capacity reservations issued in accordance with the  
14 Interlocal Agreement for Public School Facility Planning (collectively, the "available  
15 capacity"). The controlled open enrollment process will only be available following  
16 the annual magnet application window and will remain open for not less than  
17 four (4) weeks.

18 For controlled open enrollment, if the school's available capacity, as defined above,  
19 would not be exceeded by the number of controlled open enrollment applications  
20 received for that school when added to the projected student population, all  
21 applicants for that school will be approved. Applicants selecting schools having  
22 more applications than seats available will be subject to a random selection lottery.

23 Preference for controlled open enrollment shall be granted to:

- 24           A.     dependent children of active duty military personnel whose move  
25                    resulted from military orders;
- 26           B.     children who have been relocated due to a foster care placement in a  
27                    different school zone;
- 28           C.     children who move due to a court ordered change due to separation  
29                    or divorce or the serious illness or death of a custodial parent; and
- 30           D.     students residing in the School District.

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1 After all students meeting the criteria above are considered, a preference will be  
2 provided for Miami-Dade County students who are: (1) siblings of students already  
3 attending and who will continue to attend the requested school the following year, or  
4 (2) who are Miami-Dade County siblings applying together to the same school.

5 Controlled open enrollment transfers are subject to approval by the Region  
6 Superintendent. Transportation to and from the new school assignment will be the  
7 responsibility of the parent.

8 Students assigned to a school under controlled open enrollment are not  
9 automatically entitled to enroll in magnet or choice programs at the school unless  
10 they meet eligibility requirements and there is capacity at the school or in the  
11 program after the placement of any students on the waiting list for that particular  
12 magnet or choice program.

13 Controlled open enrollment transfer assignments under this policy may be revoked  
14 by the Principal due to a student's non-attendance, tardiness, conduct that  
15 interferes with instructional time, improper before or after-school arrangements,  
16 and/or the provision of fraudulent information provided by the legal guardian.  
17 Upon revocation, the student will be reassigned to the school within the verifiable  
18 residential attendance zone.

19 Students who are subject to a current suspension or expulsion order are not eligible  
20 to apply for controlled open enrollment assignment. Students with disabilities are  
21 eligible to apply for controlled open enrollment. However, the school of choice must  
22 offer the program specified on the student's Individualized Education Plan (IEP).

## 23 Application Process

24 A. The parent enrolls the student in the school assigned by the  
25 attendance boundary prior to requesting a transfer for all in-county  
26 requests. The parent must then complete and submit a controlled  
27 open enrollment transfer application according to procedures which  
28 will be specified on the application form.



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- 1           B.     The parent who requests a controlled open enrollment transfer to or  
2           from another county must complete and submit a controlled open  
3           enrollment transfer application according to procedures which will  
4           be specified on the application form.
- 5           C.     Applications are to be submitted for each student individually.
- 6           D.     The application will be submitted to the appropriate Region Office  
7           for processing.
- 8           E.     Once the transfer assignment has been granted, the student must  
9           enroll in the receiving school within ten (10) school calendar days  
10          from the controlled open enrollment application approval date.  
11          Otherwise, the transfer assignment will be forfeited and the seat  
12          becomes available for the applicants on the waiting list.
- 13          F.     The parent will be notified of the approval/denial in writing. If  
14          approved, the parent withdraws the student from the current school  
15          and enrolls the student in the receiving school for the following  
16          school year. Any requests that are denied due to capacity may apply  
17          for another transfer option under this policy.

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1 **Transfers Pursuant to Federal Law, State Statutes, or Board Policies**

2 Transfers granted pursuant to F.S. 1002.38, Opportunity Scholarship Program,  
3 F.S. 1002.39, the John M. McKay Scholarships for Students with Disabilities  
4 Program, or other Federal or State law will be governed by Board policies.

5 F.S. 92.525

6 F.S. 837.06

7 F.S. 1001.41(1), (2), (6)

8 F.S. 1001.42(4)(a), (22)

9 F.S. 1001.43(10)

10 F.S. 1002.31

11 F.S. 1002.38

12 F.S. 1002.39

13 F.S. 1002.395

14 F.S. 1002.40

15 F.S. 1003.03

16 F.S. 1006.07

17 F.S. 1006.09

18 F.S. 1006.15

19 F.S. 1013.35

20 SBE Rule 6A-6.0951, F.A.C.

21 Revised 4/15/15

22 Revised 3/9/16

23 Revised 5/24/17

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